

SOCIETY FOR PROMOTION OF COMMUNITY STANDARDS INC.

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SPCS Opposes the Prostitution Reform Bill

The Society has taken a high public profile this year in its opposition to the Prostitution Reform Bill which is currently before the Justice and Electoral committee and involves the decriminalisation of prostitution. The Bill's sponsor, Mr Tim Barnett MP, argues that Parliament should repeal the laws against soliciting (thereby making it legal for anyone to sell their body for sex in any public place), brothel keeping and pimping (involving living off the earnings of prostitution); and repeal in its entirety, the Massage Parlours Act (1978). At present this comprehensive Act provides the only framework for licensing, and law enforcement and surveillance of the 'industry' by police. The NZ AIDS Foundation, supported by the Family Planning Authority, has argued before the select committee that the legal age for prostitution should be set in the Bill at 16 to make it consistent with the age of consent.

**The message of Festival of Light
research officer (SA) Roslyn Phillips
(30-min.video available see advert insert)**

Mrs Roslyn Phillips came to NZ from Adelaide (S.A.) to present evidence against the Bill before the select committee. SPCS helped organise her itinerary (24 - 31 August)

involving public speaking engagements in Wellington and Christchurch, radio interviews and the filming of a video interview with her for TV broadcast. Roslyn was able to present to a wide range of audiences, "Linda's testimony" (see later report; Linda Watson was unable to come to NZ as planned, due to illness) and evidence against the Bill, based on the "disaster" following the decriminalisation and legalisation of the prostitution 'industry' in NSW and Victoria (respectively).



Mrs Roslyn Phillips

Roslyn spoke in Wellington to over 400 people on Sunday, 26th August, at the Rock Church and Kim's Place Youth Centre, Paraparaumu. In Christchurch she spoke to a meeting at St Alban's Baptist Church, to Christchurch City councilors and to a business forum. On 29 August she spoke to the Justice and Electoral Committee and in the evening to a group of eight MPs, including the chairperson of the committee, National MP Dr Wayne Mapp.

Roslyn is author of over 60 submissions to state and federal governments and resource papers on a wide range of issues. She had planned to come to NZ with Linda Watson, a

former prostitute and brothel madam, who has become a Christian, left the 'industry,' and has testified against the decriminalisation of prostitution before the South Australian legislature. While Roslyn was in NZ, Linda was interviewed live from Perth by Kim Hill on Radio NZ. She was also interviewed by Stephen-Tetley Jones on Radio Rhema.

The testimony of Linda Watson, former prostitute and madam.



Linda Watson

Linda Watson became a Christian in August 1997, left prostitution, and founded a "Rescue Mission" to prostitutes in August 1999. Linda's "House of Hope" featured on the Australian ABC TV network programme "Compass" (29/4). (This video was screened to eight NZ MPs and a copy supplied to the select committee). Her revelations on the real nature of prostitution helped persuade former W.A. Premier Richard Court not to proceed with his plans to legalise brothels in 2000. Instead he tightened the laws against advertising and street prostitution. Linda flew to Adelaide in 2000 and presented the same

evidence to MPs in both the S.A. House of Assembly and the Legislative Council. She made a big impact. The Legislative Council finally rejected the Prostitution (Regulation) Bill – very similar to the Prostitution Reform Bill – by a vote of 12 to 7 on 17 May 2001.

The Society's Oral Submission on the Prostitution Reform Bill

Note: the Society's written submission can be accessed at www.vision-nz.co.nz/prb1.htm Its supplementary submission can be accessed at www.vision-nz/prb3.htm www.nzedf.org.nz/reform.htm

Three of the country's major newspapers, *The Dominion*, *The Christchurch Press* and *The Auckland Herald*, as well as *The Challenge Weekly*, gave good coverage to the first three oral submissions on the Prostitution Reform Bill, presented before the Justice and Electoral Committee of Parliament on the 26th of April 2001. The SPCS presentation, the final one for the day, captured the headlines: "Prostitution 'a cancer on society' " (*Dominion* 27/4)

The Society secretary, Mr David Lane, told the committee and public gallery, including a large number of prostitutes whose representatives also made an oral submission, that "the 'profession' of prostitution is a cancer on society and women 'sex workers' are among its many victims. The Reform Bill, if passed into law, would issue in a season of open slather and open up a Pandora's box." The function of good law was to suppress it.

He said, "prostitutes are predators peddling a morally repugnant 'trade' which always includes the dehumanisation, objectification and fetishisation of women and children. Even leaving aside the many well-documented cases of physical injury, harm and abuse inflicted on prostitutes in the course of their 'profession', the 'industry' is injurious to the mental, spiritual and emotional health of the majority of women involved in it."

He referred to published studies by Dr Melissa Farley, a feminist, researcher and clinical psychologist working in San Francisco. Studies involving 854 prostitutes from eight countries (representing five continents), showed that 68% of them had post-traumatic stress disorder (PTSD), an indicator of extreme emotional distress. The prevalence of PTSD among those in prostitution is similar to battered women seeking shelter, rape victims seeking shelter and survivors of state-sponsored torture. The experience of prostitutes has been described as battering, rape, and torture by a majority of those in it. 89% of prostitutes in the study indicated they wanted to leave the 'industry' because of their suffering, but said they felt they had no other option but to stay in it.

Such research findings, Lane argued, provide strong evidence that prostitution, along with all of its well-documented associated vices, including drug addiction, drug trafficking, money laundering, and health problems including STDs and HIV/AIDS, is "injurious to the public good". Society has a duty, he argued, to set in place laws which discourage rather than condone prostitution, as well as "compassionate" laws that enable sex-workers to exit the 'trade' by funding or subsidising, rehabilitation and retraining.

"The function of the law is not to make or force people to be morally virtuous, as it cannot do this," he said. "Rather it sets the baseline below which behaviour is deemed by society to be corrupting to societal moral health and welfare, and enforces it. The law is a preserver of societal welfare and is not primarily focused on individual rights."

At the Society executive meeting Lane reported that one of the prostitutes, who attended his committee presentation, approached him and two Society executive members outside Parliament as they were leaving. She introduced herself and told them that having heard the Society's presentation, she felt compelled to leave prostitution and intended to do so. She

expressed genuine gratitude and her resolve to make an immediate break was more than evident in her sincere and serious attitude.

The Justice and Electoral Committee, chaired by Dr Wayne Mapp, must report back to Parliament on the Bill by 6 November 2001.

**SPCS Press Release 31/8/01
Published NZ Baptist (October)
Challenge Weekly 11/9/01**

The Society for Promotion of Community Standards Inc. is outraged that there has been a call from the NZ Aids Foundation for the lowering of the proposed legal age for prostitution, set at 18 under the proposed Prostitution Reform Bill, to 16. Executive Director of the Foundation, Mr Kevin Hague, in an oral submission on the Bill presented to the Justice and Electoral Committee (see *Dominion* 30 August), argued passionately that it should be lowered to 16 to make it "consistent with the age of consent for sexual behaviour" [sic]. (He meant of course to say the age of "sexual consent"). Recognising that prostitution was redefined under the Bill as part of the "service industry," he was asking why those who have reached the age of consent should not be able to ply their 'trade' from the footpaths of our cities or procure others into the 'industry' (i.e. work as pimps)?

The Society, which in its own submission to the select committee has strongly opposed the Bill to decriminalise prostitution, involving the repeal of all laws against soliciting, pimping, making a living off the earnings of prostitution and procuring for prostitution; considers the Foundation's position socially irresponsible and injurious to the public good. It is angry that an organisation, largely funded by tax-payers and one of the key supporters of the Bill, should be leading the charge for a lowering of the proposed legal age, when all the research on the 'industry' indicates that it is damaging to the sexual health, physical, psychological, and emotional well-being of young people, particularly young girls. The Family Planning Association supported the NZ Aids Foundation's submission.

The Society points out that Article 34 of the UN Convention on the Rights of the Child which NZ ratified in 1993, states that NZ must “undertake to **protect** the child from all forms of sexual exploitation and sexual abuse” and “take all appropriate national, bilateral and multilateral measures to **prevent** the exploitative use of children in prostitution or other unlawful sexual practices.” Part I, article 1 of the Convention defines a child as “every human being below the age of 18 years”. NZ is signatory to the UN Convention on the Elimination of all Forms of Discrimination against Women (1979) which requires our government to “take all appropriate measures, including legislation, to **suppress** all forms of traffic of women and exploitation of prostitution of women” (Article 6).

Mr Gordon Dempsey the Society’s president says that “rather than assisting to **suppress** all forms of sexual exploitation of women and children, as required by international law, the Bill will issue in a season of open slather leading to a growth boom in the ‘industry’.”

According to the Society’s spokesperson, David Lane, “the NZ Aids Foundation has over-reached itself in its demands for our government to consider making prostitution legal for 16 year olds and thereby revealed the ethical bankruptcy of the Foundation’s ‘mission’ to effect ‘reform’. The indisputable fact based on extensive research world-wide, is that prostitution is injurious and detrimental to the physical, mental, psychological and spiritual well-being of the vast majority of women involved in the ‘industry’.” (see references in SPCS submission).

In a seven page published critique of the Bill by Mr Lane, on behalf of the Society and sent this week to every member of Parliament, the unfolding disaster of child prostitution in Australia is reported on. Figures as identified by ECPAT (the international body combating prostitution and trafficking) indicate that 3,733 children are currently engaged in commercial sexual activities in Australia. The highest number of reported cases come from Victoria,

followed by NSW, where prostitution has been legalised and decriminalised, respectively. The majority of these cases involve young persons aged 16 to 17 years, but a disturbing finding was the number of 10 to 12 year olds and some under the age of 10.¹

The Society argues that many of our politicians, soon to vote on the Bill, will need to carefully examine their consciences and ask the questions: **Do I want my vote to pave the way for 16 year olds to be able to legally prostitute themselves in public places, be sex ‘slaves’ to pimps and make a living by managing brothels? Do I want my vote to remove all regulations and control measures (as proposed in the Bill by the repeal of the Massage Parlours Act 1978) relating to who can operate businesses involved in prostitution? Do I want my school age children examining future job prospects and careers believing that prostitution is a legitimate and legal part of the “service industry”? Do I want my daughter, friend’s daughter, niece or close relative, to be made an easier target for madams and pimps seeking new younger “sex workers”?**

PLEASE WRITE ASAP TO YOUR LOCAL MP AND CHAIRPERSON OF THE JUSTICE & ELECTORAL COMMITTEE, DR WAYNE MAPP, TO EXPRESS YOUR OPPOSITION TO THE PROSTITUTION REFORM BILL. STATE BRIEFLY YOUR REASONS. USE MATERIAL PROVIDED. WRITE FREEPOST C/- PARLIAMENT BUILDINGS, THORNDON, WELLINGTON.

¹ Children’s Rights: Reality or Rhetoric? The UN Convention on the Rights of the Child: The First Ten Years (The International Save the Children Alliance. Editor Sarah Muscroft. “The reality against the rhetoric” pp. 93 ff. Cited in “Prostitution Reform Bill” by David Lane, SPCS. Cutting Edge. No. 54. P. 38.

SPCS Annual General Meeting

14 April 2001

NOTES FROM ADDRESS OF MR BRIAN NEESON, MP

Mr Neeson was elected to Parliament as National MP to Te Atatu in 1990, and has been MP for Waitakere since 1993. He is currently a member of the Law and Order Select Committee and spokesperson for Police.

Characteristics of Recent Decades

In his address, following the business part of the AGM, Mr Neeson commenced with a thumbnail sketch of recent decades. He described the 1950s as a decade of victory: family centred, church was central, and laws supported structures. Values were left to individuals, and the basics were taught at school. The country was “God’s own,” a very European country, and the Maori population was very small.

In the 1960s, things began to change. The hippy movement emerged, the contraceptive pill was made available in 1961; Germaine Greer was on our black and white TV sets. Elvis Presley, the Beatles and the drug culture were present. The 1970s saw more protest, more movement away from the churches. The churches and institutions began to question themselves. Women’s roles changed; the bad and the ugly emerged and became associated with large groups. And NOW, the things that we consider as not being good for society are taken as normal.

In 1986, the biggest ever petition (810, 000) was delivered to Parliament opposing the Homosexual Law Reform Bill. Despite overwhelming public opposition, the Bill sponsored by Ms Fran Wilde MP was voted into law by Parliament in July 1986 (49 votes to 44). The hidden agenda became apparent as supporters of the Bill, introduced into the House on 7 March 1985, were maneuvered into the right places within the bureaucracy to ensure the effectiveness of their cause.

Moral Needs

Research has established that about 80% of what is downloaded from the Internet are about sex. **We have abandoned traditional teaching, and churches barely preach the Gospel: they preach the outcome rather than the message that should give rise to the outcome. The message of the transforming power of Christ is not preached.** The evangelical churches are growing by the day because they preach the message of salvation.

Women think they’re free, but they’ve simply released men from their responsibilities. Fatherless children are the biggest group involved in crime. We want rights but we don’t want responsibilities. Today the agenda of gay MPs and others is out in the open. Our children are searching for something that is robust, but the abnormal continues to be promoted. Sex is an “Olympic sport”; it is not for having children. People are working more. People are dead scared of commitment; so the number of de facto relationships is growing.

Parliament is now representative of your society: it is “mixed” – mixed up! The House is a bear pit of personal attack, almost tribal in its behaviour. Parliament is mostly liberal. The prostitution legislation before the House is about decriminalising soliciting; you can advertise your “wares” freely if this Bill becomes law. On the school front, home schooling is the fastest growing school movement. Look underneath all that you see at the moment.

Can society thank Parliament for the work it is doing these days? Government won’t meet moral needs. This institution can do little to promote morality. But they can stop pulling down other organisations. William Wilberforce made it his mission to end slavery. People or moral fortitude took over Parliament. It’s going to take courage and fortitude for that to happen again. We must continue to keep the light burning in the meantime.

Notes by Dr David Hutchison (SPCS Vice-President)

Special Report 1

Justice Deferred is Justice Denied: the unbanning of two 'anti-gay' Christian videos

by David Lane. Reprinted from *Challenge Weekly*. Vol. 59 Iss. 25, 3 July 2001. For background on case see visit: www.christian-apologetics.org/html/banned_videos.htm

[Note: SPCS supported the Living Word appeal – funding for disbursements. (see *SPCS Newsletter*, Feb. 2001, p. 8)].

On 20 June the Film and Literature Board of Review released its long-awaited decision on the re-classification of the two Christian videos *Gay Rights/Special Rights*, *Inside the Homosexual Agenda* and *Aids: What You Haven't Been Told*, both produced by Jeremiah Films of California. The videos which had been classified "objectionable" and banned by the Board in its decision of 18 December 1997 under the Films, Videos, and Publications Act 1993, a decision which, later on appeal, was upheld by the High Court in its decision of 1 March 2000; have now been re-classified by the Board as "unrestricted".

The Board was forced to reconsider the classification, when, subsequent to the High Court action, the appellant, Living Word Distributors Ltd, won an appeal to the Court of Appeal, against the banning order. In a unanimous decision all five Court Judges quashed the ban and ruled that the High Court, and therefore the Board, had made "errors in law" in their decisions. The case was therefore remitted back to the Board by the Court of Appeal in its decision dated 31 August last year.

The seven member Board of Review deliberated for nine months on the matter (holding its first meeting on 24 January) before coming to a decision which is dated 31

May 2001. Its release came a day after the Evening Post published a report revealing that legal action was about to be taken in the High Court by the plaintiff, Living Word Distributors, to force the Board to bring closure to the matter and issue a ruling. The plaintiff, through his lawyer, had intended to file a writ of mandamus against the Board, arguing that that the Board had failed to fulfil its statutory obligations.

In its report the Board expressed their concern "about the deleterious effect" that the videos "could have on young persons at the stage of coming to terms with their own sexual orientation, when they may be reaching a realisation that they are homosexual". The report argues they are "injurious to the public good", not because of any depiction of sex, but because "overall they are an expression of opinion and attitude about homosexuals and homosexuality" that some members of the public as well as all Board members, find objectionable.

None of the five Court of Appeal judges or the two High Court judges expressed the view that the videos constituted "hate propaganda" or "hate material". However, the Board did in its recent decision, describing them as "contain[ing] significant elements of hate speech" (par. 44). The Board presents this view in the report after quoting in paragraph 43 the words of Judge Thomas from his minority opinion in the Court of Appeal judgement. He wrote:

"...these publications do have the propensity to cause harm ... and are hurtful and oppressive to the homosexual community ... and do tend to victimise and alienate a sizeable proportion of the population".

In the next paragraph the Board 'interprets' Judge Thomas to have said: "Put simply, the subject publications contain significant elements of hate speech". But this is not what Judge Thomas stated. He wrote: "Nor, on the other hand, do I wish it thought that I accept the submissions of those who perceive the

videos to be blatant bigotry or hate propaganda". It is noteworthy that the Board quotes these exact words from Judge Thomas and fail to support his judgement. Instead they misrepresent it, by 'interpreting' it to substantiate their claim that the videos contain "significant elements of hate speech".

The Court of Appeal judgement in the Living Word case will shortly come under the scrutiny of the Government Administration's Committee's enquiry, now underway, into the operation of the Films, Videos and Publications Classification Act 1993. The battle for "freedom of expression" will soon move from the Courtroom to the select committee rooms of Parliament.

SPCS submission presented orally to the Government Administration Committee

Re: Films, Videos, and Prohibitions Classification (Prohibition of Child Pornography) Amendment Bill. Sponsor Anne Tolley National MP.

Summary: While we applaud the efforts of the Bill's sponsor to tighten legislation seeking to get right of child pornography, we think there needs to be a rearrangement of the additions proposed and tightening of definitions. Bill of Rights issues need to be more carefully thought through. We support a tightening of the legislation.

The Committee of the Society for the Promotion of Community Standards Inc. recognises the good intentions of the proposed Films, Videos, and Publications Classification (Prohibition of Child Pornography) Amendment Bill. The aim appears to be an attempt to close a perceived loophole in the Principal Act of 1993 enabling defenders of questionable material relating to sexual conduct with or by children, to deny the "objectionable" nature of it (based on defined criteria), by appealing to "freedom of

individual rights" issues contained under the New Zealand Bill of Rights 1990. Our Society members are opposed to the misuse of such freedoms based on claimed literary, artistic merits etc., when the material is clearly exploiting children and/or young people and providing fertile sustenance for the minds of paedophiles etc. and the promotion of exploitative sexual manipulation/coercion of young people.

Despite the good intentions of the Bill we see some problems, some of which have been highlighted in the Report of the Attorney-General on the Bill.

It appears that by placing the sentence "Despite anything in the New Zealand Bill of Rights Act" of section 1(A) near the outset of Section 3, it means that the gate is closed with regard to bringing in matters contained in section 4 (a) to (f) in the assessment of whether or not suspect material is "objectionable". As illustrated so well in the recent Appeal Court Decision *Living Word Distributors Ltd. v Human Rights Action Group*; if material deemed "objectionable" doesn't come through one or more of the five "gateways" in section 3 (1), then any other considerations contained in subsections 2-4, have no bearing on the decision of whether or not it is "objectionable". Conversely, if material is judged to be "child pornography" and therefore classified "objectionable" based on any one or combination of criteria found in sections (1)(A)(a)-(c) then section 4 (a)-(f) becomes irrelevant. This appears a weakness in the proposed Bill particularly since Section 3(a)(iv) and (3)(b) will be repealed.

Under the Principal Act Section 4 applies to publications which fall outside subsection 2. Under the proposed Amendment mere nudity of children in a publication dealing with medical issues for example *could be* open to a charge of exploitation. Section 14 of the Bill of Rights Issues seem to be shut out of discussion at the outset because the *nature* of exploitation, involving issues of "dominant effect", etc. (section 4) cannot be considered.

Our suggestion is that the term "exploitation" be tied into the criteria listed in Section 4 and that the Bill of Rights considerations be negated (as suggested) only when these other mitigating issues can be fully taken into account and established. The placement of the opening sentence of Section 3 (1A) should come later in section 3 allowing for due consideration of "dominant effect" etc.

Comment: Failure of the Bill

As we expected, the House voted down the Bill after it went from the select committee to its second reading. During oral submissions committee members indicated their willingness to undertake a wider inquiry into censorship, should the Bill fail. One oral submitter, Mr Calum Bennachie, a "gay activist" who led the case for the banning of the 'anti-gay' videos, called for the Court of Appeal decision on the Living Word Distributors (video) case to be made central to the inquiry. He attacked the decision using a spurious argument that it set a dangerous precedent, opening the doors to a tidal wave of porn being classified as "unrestricted". □

Announcement of Select Committee Inquiry into the Operation of the Films, Videos and Publications Act (1993)

In her press release of March 22, 2001 Ms Yates MP, Chairperson of the Government Administration Committee said the chief censor had told the select committee it needed to "bring back Patricia Bartlett, or revise the complaints procedure".

"The act relies too heavily on decent New Zealanders complaining, and trends show too much porn is unmonitored," she said.

MORALS campaigners miffed at near miss

Dominion 3 May 2001 p. 3
By CHRISTINE LANGDON

MORALS campaigner Patricia Bartlett would be sighing in her grave.

The group that she founded in 1970, the Society for the Promotion of Community Standards, was fighting mad yesterday after learning it had only till tomorrow to make a submission on an inquiry into the Films, Videos and Publications Act.

Group secretary David Lane was indignant that the government administration select committee had not notified the society of the inquiry. He said he did not see a press release on the bill till yesterday, nor did he see newspaper advertising.

"The society's founder, Patricia Bartlett, OBE, was mentioned in the press release of March 22 announcing the inquiry ... and yet despite this awareness of the society's interests, the society was never even contacted about the inquiry," he said.

But committee chairwoman Dianne Yates said it advertised for submissions six weeks ago in about 200 papers and magazines and could not be expected to contact every group with a potential interest.

She reassured the society that the committee did want its views saying she would accept its submission if it arrived a couple of weeks late.

Among other things, the inquiry will consider how controls can be imposed on Internet porn, and at expanding the powers of the chief censor (who can act only on complaint).

While it is true that a small announcement of the inquiry and closing date for submissions appeared in the public notices column of a number of the country's daily newspapers on 24 and 28 March, no story appeared in any paper. Our Society executive did not see the notices of March 24 and 28.

WHAT IS THE INQUIRY ABOUT?

GOVERNMENT ADMINISTRATION COMMITTEE

PRESS RELEASE 21 MARCH 2001

The closing date for submissions on the inquiry into the operation of the Films, Videos and Publications Classification Act 1993 and related issues is 4 May 2001.

The committee intends to inquire into:

(1) The capacity of the Films, Videos, and Publications Classification Act 1993 (the Act) to deal with the impact of new technology on the classification process set out in the Act, in particular, the impact of the internet on the classification process including the transmission of live performances and related activities.

(2) The adequacy of the complaint procedure under the Act, and the powers of the Chief Censor to deal with the complaints received by the Office of Film and Literature Classification (the Office). In particular, whether the process by which publications are submitted for classification under the Act is adequate and whether the procedure for lodging a complaint about a publication is adequate given that the present Act requires a citizen to make a complaint to the Office before the Chief Censor can act.

(3) The definition of 'objectionable', as set out in s 3 of the Act, to determine whether the Court of Appeal's narrow interpretation of the words "matters such as sex, horror, crime, cruelty, or violence" in the *Moonen v Film and Literature Board of Review*, adequately carries out the intent of the Act.

(4) Whether or not the Bill of Rights Act 1990 should apply to all matters prescribed in s 3(2) of the Act, or whether s 3(2) of Act should state that not withstanding anything in the Bill

of Rights Act 1990, publications that promote the matters in that section are 'objectionable'.

(5) The issues to emerge from the Court of Appeal's decision in *Living Word Distributors Limited v Human Rights Action Group* as to whether:

(a) s 3(3)(e) of the Act should be linked to a 'gateway' in s 3(1) of the Act, and if so, the extent to which this interpretation would defeat the intent of the Act.

(b) to include a 'hate speech' provision in the Act that would allow the Office to classify 'hate speech', and whether to amend the Human Rights Act 1993 to provide a penalty for the dissemination of 'hate speech'.

(6) Issues surrounding the operation of the provisions that relate to the public display of a publication (that includes art), in particular:

(a) official labels for all publications classified by the Office

(b) the premises/part of premises definition

(c) display conditions on unrestricted publications.

(7) Whether quantity, quality and timeliness measures for the Board of Review be included in a Memorandum of Understanding or in legislation, and if an inquiry into the means of 'maximising the efficiency and effectiveness of the Act' should be extended to all three bodies involved in rating and classification.

(8) The definitions of 'publication', and to take into account the difficulty of making excisions to digital publications. This may allow for the partial examination of digital publications for classification and remove the power of the Office to request excisions.

(9) The definition of 'broadcasting' in the Broadcasting Act 1989 in relation to the matters referred to above.

(10) The concept of legislating that trailers shown before a feature should be for films rated no higher than the following feature.

(11) The potential for and appropriateness of a cross-rating system, and the desirable characteristics of such a system

(12) The viability of creating one media regulatory agency.

SPCS Oral Submission

To be presented to Justice & Electoral Committee 10 am Thursday, 18th October.

Re: Inquiry into operation of Films, Videos, and Publications Classification Act 1993

Main points to be highlighted:

(1) The inadequacies in the current complaints procedure. (2) Problems with the definition of "objectionable" as set out in s 3 of the Act in the light of the *Moonen v Film and Literature Board of Review*; and *Living Word Distributors Limited v Human Rights Action Group*. (3) The Society's opposition to the inclusion of 'hate speech' in the Act and its opposition to allowing the Office to classify 'hate speech'. (4) Issues surrounding the enforcement of display conditions re classified publications. (5) The role of Chief Censor, Mr Bill Hastings in the operation of the Act. (6) The role of the Film and Literature Board of Review in the classification procedure.

The Society is recommending that the Minister of Internal Affairs, the Hon George Hawkins do the following:

Ensure that the Chief Censor and his/her deputy, and all members appointed to the Film and Literature Board of Review are committed to, and have demonstrated from their public service record, a commitment to enhancing/preserving the "public good". The intention of Parliament is clear from the Classification Act: the Office and Board have a statutory responsibility to protect the

vulnerable (especially children and young persons in the case of R 16 and R 18 classifications) from "objectionable" publications; and thereby preserve/enhance "the public good".

Appoint a deputy chief censor as soon as possible, as his Office has been operating for 28 months with only a one-person executive, rather than the two (as required under the Act).

Involve the Commissioner for Children and his/her Office in the censorship procedure and in all classification decisions that go before the Board of Review, which impact upon children and young persons.

Incorporate a multicultural representative group of citizens and community leaders into the monitoring of censorship office activities. This group would report on a regular basis to the Minister of Internal Affairs and have particular responsibility for scrutinising the activities of the Board, which currently meets without producing any records of its activities (e.g. minutes). The quantity, quality and timeliness measures for the Board must be included in a clear Memorandum of Understanding or in legislation to avert the delays.

Special Report 2: Avocado R18

Late last year the Society lodged a complaint with the Department of Internal Affairs concerning the "objectionable" content of the book *Avocado: An Erotic Adventure of Spirit and Sensuality* by NZ author Christine Leov Lealand, a book now available from 20 NZ public libraries. The Department examined the publication and on 10 January 2001 submitted it to the Office of Film and Literature Classification. In its decision dated 26 March the Office classified it R18 but failed to impose any "display conditions" on the work which would require it to be shrink-wrapped when on public display. This is allowed for under s. 27 of the Classification Act in order to protect the rights of young people to NOT be offended by material the Office has ruled as "objectionable" and "injurious to the public good". On 11 June the Society filed for a review of this decision with the Film and Literature Board of Review

with respect to the inadequate “display conditions”. The Society secretary, David Lane, supported by committee member Mr Des Chambers, presented the Society’s case before the Board on Friday 24 August. The decision is expected shortly. The decision under review stated:

“In describing sado-masochistic sexual activity the book deals with sexual and physical conduct of a degrading, dehumanising and demeaning nature, as well as physical conduct in which sexual satisfaction is derived from the inflicting and suffering of pain in a manner intended to some degree to stimulate a sexual response from readers. In describing sexual activity between a teenage girl and a man the book presents sexual conduct with and by a young person [paedophilia].... The various activities described include cunnilingus, fellatio, vaginal intercourse and the use of food” [in sex].

The book also describes in an approving and detailed manner, gang rape as every woman’s “fantasy” and lesbian “fisting”..

Recently the Society raised a formal complaint with the Department of Internal Affairs over the open display of over 60 copies of *Avocado* in Borders Bookshop, Queens St Auckland in breach of the Classification Act. No R18 classification notices were displayed on any of the books as required by law and despite the fact that the publisher had written to the manager of the shop notifying him of his responsibilities under the law.

SPCS Submission on Education Amendment Bill No. 2

SPCS written submission available at:

www.vision-nz.co.nz/lane.htm

The Society made its oral submission to the Education and Science Committee, chaired by Dr Liz Gordon MP. The Society only dealt with Section 7 of the Bill – Health education – which deals with the teaching of “human sexuality”. The Society was concerned that the

Bill, by amending section 105C of the Education Act 1964, in effect removes a discretion that boards and school principals currently have to exclude sexuality education from a school’s health education programme. Under the Bill health education, including the human sexuality syllabus, will be put “on the same footing as all other national curriculum statements.” Our submission was highly critical of some of the resource material produced by the Education Department on human sexuality.

Update: The Bill was recently referred back to the House and section 7 remains unchanged despite strong opposition in over half the written submissions to the removal of the discretions given to boards and principals to exclude sexuality education, as noted.

Forthcoming Issues:

The Civil Union Bill. Prime Minister Helen Clark has asked Christchurch Central Labour MP Tim Barnett to work out a Civil Union Bill, which would give same-sex couples all the statutory entitlements of married couples once they “register” their relationship. (These entitlements of married person’s are their rights and responsibilities according to law). It is hoped the legislation will be introduced next year (Evening Post 11 June 2001)

Human Rights Act. A Government exemption from the anti-discrimination protection of the Human Rights Act 1993 expires at the end of 2001. Some same-sex couples argue that because they cannot get married, and thereby cannot gain access to the statutory entitlements open to married couples, this is discrimination against them. Prime Minister Helen Clark has signaled her Government’s intention to move towards a change to the Marriage Act of 1955, to allow homosexual and lesbians an opportunity to get married legally. The Government’s own “focus-polling” has forced her and her colleagues to recognise the strength of public feeling on this issue and wait until public opinion shifts in favour of change.

Hardcore film *Baise-Moi* given limited release

Dominion 23 August 2001

AN EXPLICIT French film featuring hardcore sex and murder had been allowed a limited showing in New Zealand, the chief censor said yesterday.

The film, *Baise-Moi*, caused outrage overseas because of its portrayal of violent explicit sexual activities. It was banned in France, and in Britain was cut and given an R18 rating.

The film would be released in New Zealand under certain circumstances, chief censor Bill Hastings said. Its release was limited to study in a tertiary media or film studies course or as part of a film festival run by an incorporated film society. It would also have an R18 rating.

“This decision limits potential harm to the public while recognising that *Baise-Moi* has significant merit within the context of film history,” he said.

The Classification Office consulted Rape Crisis, Women’s Refuge, Stop (a group that deals with male sex offenders), a university lecturer in film, and the public before making the decision.

Baise-Moi, a 76-minute low-budget film, follows two bored women who go on a rampage of sex and violence after one of them is raped. In one scene, a woman stamps a man to death after he is picked up for sex. NZPA

Comment. Enquiries by our secretary, who has obtained a copy of the chief censor’s decision on the film, indicate that it is much worse than the above NZPA report indicates. Furthermore, the groups consulted by the chief censor told Lane that they had recommended the film be cut and/or banned. The depiction of violent sexual torture and brutal gang rape including explicit sexual scenes involving penetration has been judged by our chief censor as having “significant [artistic] merit”. The Society is considering seeking a statutory review of the chief censor’s decision.

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