

2. *Unfairness to Mrs Francis*—We do not find that the interview as broadcast did prove to be unfair to Mrs Francis. Mrs Francis had been referring to this incident and would have been aware of the likelihood of information being obtained which threw a different light on the facts, or of a challenge to her about it.

Clippings made available to the Tribunal showed that there were different versions of the Australian incident published.

We expect that Mrs Francis as a campaigner would have been able to deal with anything raised about the matter. In fact she did so at the interview but with a letter that did not in fact advance the matter much further. That letter was not included in the edited version of the interview which was broadcast.

3. *Editing*—We have considered the allegations regarding the book incident and do not consider that including in the broadcast her reading out of the letter from the Chairman of the Government Education Committee of the Tasmania Assembly, would have advantaged Mrs Francis.

In the broadcast interview the following exchange occurred:

*Hercus*: I think it's very tragic that we have surrounding this convention an appalling amount of mis-information and sometimes mischievously put out. I mean, here we have a very good example where you have rung the Premier's office and been given an assurance that this has nothing to do with the UN Convention.

*Francis*: Yes, but who have you spoken to?

*Hercus*: I'm sorry, could you let me continue—you have had a fair go.

*Interviewer*: To the Chief Press Officer of the Premier's office.

*Hercus*: I'm sure he would be very accurate in what he said to the media, and I think it's terribly important that we do care for the truth and care for absolute accuracy.

Later in the interview Mrs Francis alleged that she had been called a liar and Mrs Hercus denied that.

That later portion, together with material both before and after it, was not included in the broadcast interview.

The Tribunal has listened to the unedited tape and read a transcript of the broadcast—which was not totally accurate.

However, the Tribunal finds that Mrs Hercus did not call Mrs Francis a liar. She did refer to one of the "myths she claimed were spread about the convention" information mentioned as a lie. We do not therefore consider it a lack of balance for the later comments of Mrs Francis to have been edited out of the interview.

The Tribunal has concluded that the interview was not edited in a biased way and that about as much material from Mrs Hercus as from Mrs Francis would have had to be included if the broadcast had been extended. On balance, the Tribunal finds that if a person had listened to the unedited interview, they would not have come to any other conclusions about the convention if they had listened to the shortened edited version which was broadcast.

*Observation*—The Tribunal has however to note that in the conduct of the interview the interviewer did put her taxing questions to Mrs Francis, but not to Mrs Hercus. To this extent we find that the interviewer showed some partiality which fell short of bias and which fell short of unfairness.

We say this because we believe that a campaigner must expect a robust response in current affairs interviews and from staff conducting such interviews.

However, when a *Radio New Zealand* staff member is conducting a discussion between two people for broadcast, she must either be prepared to put the difficult and taxing questions to both parties or to adopt a softer approach towards both. This was not a matter which was raised by the complainant but we considered it appropriate to make the observation.

We also make a further observation. Mrs Francis was in New Zealand again later and no effort was made by *Radio New Zealand* to try and remedy the grievance which Mrs Francis and Mrs Stuart felt in relation to the original matters, when it would have been easy to have taken the opportunity to have done so.

*Conclusion*—The complaint is upheld to the extent that we find that in the preparation for the programme the interviewer should have acquainted Mrs Francis with the information obtained from Tasmania and in that respect Mrs Francis was not treated fairly. In the event we consider it did not result in actual unfairness in the programme content.

We do not uphold the allegation of collusion, or the allegations of bias in relation to editing. We consider the programme as broadcast was not in breach of the rules in the respects raised by the complainant.

*Co-opted Members*—The Tribunal co-opted Helen Cull and Norman Macbeth as persons whose qualifications and experience might be of assistance to the Tribunal in the determination of the complaint. They took part in the hearing and the deliberations of the Tribunal but the decision is that of the permanent members.

Dated the 15th day of July 1985.

Signed for the Tribunal:

B. H. SLANE, Chairman.

Decision No. 4/85

IND 6/85

*Before the Indecent Publications Tribunal*

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by the Comptroller of Customs for a decision in respect of the following publications:

*Coming Out Right*: A handbook for the Gay Male, published by Alyson Publications Inc.

*Coming to Power*, published by Alyson Publications Inc.

*A Different Love*, published by Alyson Publications Inc.

*I Once Had a Master*, published by Alyson Publications Inc.

*Chairman*: Judge R. R. Kearney.

*Members*: H. B. Dick, J. V. B. McLinden, R. Barrington, A. J. Graham.

*Hearing*: At Wellington on the 29th day of March 1985.

*Appearances*: No appearance by the importer, Benton Ross Publishers Ltd., K. Wild for Comptroller of Customs.

DECISION

THESE four books are published by Alyson Publications Inc., Boston, USA. The publications were part of the commercial shipment imported through the Port of Auckland in September 1984 and after seizure by Customs the importer disputed forfeiture. All four publications have been referred to the Tribunal for classification.

*Coming Out Right*, as described in its introduction, is a handbook to serve the needs of the man who is in the process of accepting himself as homosexual. The book is well written and is clearly a serious publication in respect of the matters which it covers. In addition to the physical lovemaking aspects of homosexual relations the publication also covers the emotional and legal considerations of homosexual relationships. The book is written for American readers but would in our view still be of relevance in New Zealand conditions. There are two features of the book which in our view makes a finding that it is indecent inevitable. Firstly, the book tends to glamorise homosexuality and secondly the chapter of homosexual drug use are both aspects which independently would warrant an indecent classification.

*Coming to Power* is a collection of short stories, essays and interviews most of which deal with the subject of lesbian sadomasochism. The book is edited by members of an organisation SAMOIS and is said by the editors to be the writings and graphics on lesbian sadomasochism. Some of the stories are well written but many are crude and lacking in any redeeming features. The book is in the finding of the Tribunal clearly indecent.

*A Different Love* and *I Once Had a Master* are both paperbacks which dwell on and glamorise the sexual side of homosexual relationships in respect of the male homosexual. *I Once Had a Master* is a series of short stories many of which concentrate on sadomasochism. Both publications are in the finding of the Tribunal indecent.

Dated at Wellington this 25th day of July 1985.

Judge R. R. KEARNEY, Chairman.

Decision No. 5/85

IND 14/85

*Before the Indecent Publications Tribunal*

IN the matter of the Indecent Publications Act 1963, and in the matter of an application by the Comptroller of Customs for a decision in respect of the following publications:

*Curious Wine* and *Yantras of Womanlove*: Both published by the Naiad Press Inc.

*Chairman*: Judge R. R. Kearney.

*Members*: H. B. Dick, J. V. B. McLinden, R. Barrington, A. J. Graham.