



3 October 2015

Inspector Jill Rogers  
Commander: Auckland Central Area  
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cc: Superintendent Richard Chambers  
District Commander  
AUCKLAND  
[richard.chambers@police.govt.nz](mailto:richard.chambers@police.govt.nz)

cc: Hon Michael Woodhouse  
Minister of Police  
WELLINGTON  
[Michael.woodhouse@parliament.govt.nz](mailto:Michael.woodhouse@parliament.govt.nz)

Dear Inspector Rogers

We are writing to lay a formal complaint against the proposed "Boobs on Bikes" parade happening on Wednesday lunchtime down Queen St, Auckland. The parade will happen on a central city street packed with families during a school holiday period when lots of children will be present.

DETAILS: <http://www.boobs.org.nz/>  
Organiser: Steve Crow  
Email: [stevecrow@gmail.com](mailto:stevecrow@gmail.com)  
Mobile: 021 640 707

Screen shot of website



We would strongly argue that the "Boobs on Bikes" event will cause widespread offense to many families and the police should not allow it to happen. Most New Zealanders know it is indecent and inappropriate for a woman to be topless in a public place – which is why there is no acceptance of the behaviour in schools, workplaces or public gatherings.

We note that the police adopted a zero tolerance approach to topless or nudist behaviour during the Cricket World Cup and this was accepted and appreciated by families attending the World Cup events

<http://wellington.scoop.co.nz/?p=76557>

This topless porn star parade, run and sponsored by the hard core porn industry, will be held on a major Auckland street during the middle of the week when there are children, families, and tourists present in large numbers. Many families will be there to take advantage of general shopping and attending movies during the school holiday break. Many out-of-town families will be in Auckland during the week.

Section 125 of the Crimes Act clearly states that it is a crime to  
*“wilfully (do) any indecent act in any place to which the public have or are permitted to have access, or within view of any such place”.*

Section 4 of the Summary Offences Act 1981 also refers to *“offensive behaviour”* within *“view of any public place”*.

There is no question in our view that this is a *wilful* and *prolonged* indecent act. The proposed route will take the porn stars down the length of Upper Queen St, Queen St, and Customs St.

When we previously objected to a "Boobs on Bikes" parade in 2008, the Acting District Commander Brett England responded to our concerns by referring to a Court of Appeal case from way back in 1973 saying that:

*The question of indecency must be considered by reference to the time, place, and circumstances of the conduct, and the impropriety must be more than trifling and be sufficient to warrant the sanction of the law. In the opinion of the Police, given the standards of decency observed in this day and age, a female being topless in a parade on a weekday in Queen Street will not in itself constitute an indecent act.*

**However, this parade is during a school holiday week when the presence of children and families will be strong.**

Inspector Rob Abbott who was Acting Operations Superintendent wrote to us and said:

*what is indecent or offensive will depend on all the circumstances at the time.*

The most recent and more relevant case is *Valerie Morse v The Police* [2011] NZSC 45<sup>1</sup>

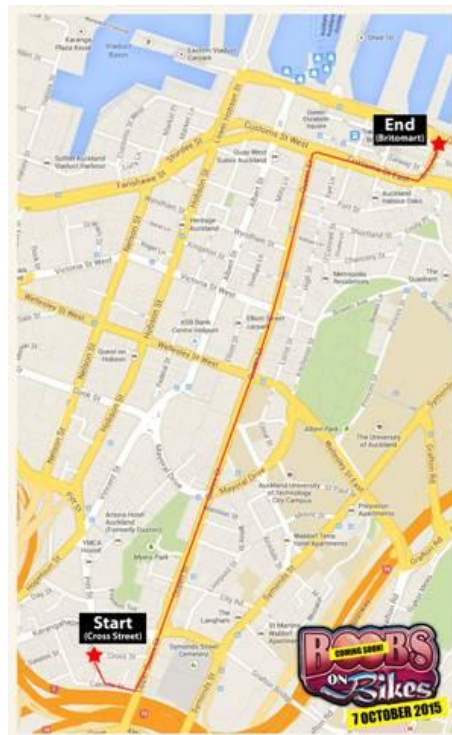
The Supreme Court found that offensive behaviour within the meaning of s4(1)(a) of the Summary Offences Act 1981 must be behaviour which gives rise to a disturbance of public order.

Justice Blanchard described offensive behaviour as:

*..behaviour capable of wounding feelings or arousing real anger, resentment, disgust or outrage in the mind of a reasonable person of the kind actually subjected to it in the circumstances in which it occurs, so that there is directly or indirectly ... a disturbance of public order.*

We would submit that many families, including my own, would be completely disgusted and outraged if we were subjected to this parade going past – and especially if children were victims of having to see it as well.

Justice McGrath was of the view that actions that causes offence in a general sense amount to offensive behaviour if they give rise to a serious interference with the use by others of the public place. He added:



*To amount to the offence it must involve a serious interference with the standards reflected in those community expectations. That degree of interference must go beyond what a society respectful of democratic values is reasonably expected to tolerate.* (our emphasis added)

We would submit that families will be forced to change their plans because they are desperate to avoid the offensive porn parade. Some families may be caught out, unaware that the parade is even taking place. This has the potential to be very upsetting to both the children and to the parents.

**It is not up to families to avoid the parade. It is up to the parade to meet community standards.**

Families and the community work hard to protect children from pornography - including internet filters on their computers, adult magazines wrapped in plastic with warning signs in bookstores, and regulations around broadcasting and advertising standards of pornographic material, especially around children.

It is completely inappropriate and offensive to a large section of the community to have the porn industry display and market themselves in this way.

We believe that a float with topless porn stars during the annual Santa parade down Queen St would be rightly banned. This is no different.

The Advertising Standards Authority have also acknowledged public concern by upholding a complaint in 2003 about the roaming billboard Erotica Adult Lifestyle Expo advertisement which showed the upper torsos of a man and woman, with the woman's naked breasts clearly visible. In its ruling, the Complaints Board stated that the advertisement would be likely to cause both serious and widespread offence and offend against generally prevailing community standards of decency, breaching the Code of Ethics of advertising. Furthermore, the Complaints Board was of the view that it had not been prepared with a due sense of social responsibility.

This is the exact argument being used by concerned members of our community.

**Unless you can absolutely guarantee that no children will be exposed to this parade, we would plead with you that you ban the parade from happening.**

Children and families deserve the protection of the state from offensive and sexualised behaviour promulgated by the porn industry.



**Bob McCoskrie JP**  
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<sup>1</sup> [http://www.courtsfnz.govt.nz/cases/valerie-morse-v-the-queen/at\\_download/fileDecision](http://www.courtsfnz.govt.nz/cases/valerie-morse-v-the-queen/at_download/fileDecision)

